



Scoil San Treasa

Data Protection Policy



1 Introduction and Rationale

The school's Data Protection Policy applies to the keeping and processing of *Personal Data*, both in manual and automated form. In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003. The purpose of this policy is to assist the school to meet its statutory obligations in relation to data protection, to explain those obligations to school staff, and to inform staff, students and their parents/guardians how their data will be treated. The policy will assist the school to:

- Identify the records required to be retained by the school
- Establish records-management policies and retention and disposal schemes
- Identify records of permanent value to the school which need to be archived
- Define the purposes for which each type of record is required
- Ensure confidentiality in the use of such records
- Ensure that there are manageable procedures in place in relation to access to such records by parents and stakeholders.

The policy applies to all school staff, the Board of Management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them, in the course of their dealings with the school.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard the personal data of individuals. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the principal, staff and Board of Management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and Board of Management.

1.1. Underlying Principle

The school is mindful of the importance of processing data in a manner consistent with the purposes for which it was gathered. In order that the school may use the data for the purposes for which it was gathered, the data must be accessible for those purposes. Accordingly, while taking due cognisance of the importance of safeguarding data confidentiality, the form/s of storage in use at any given time for any school-related data will be determined by the necessity for appropriate access, with specific reference to the wellbeing of pupils, staff, and members of the school community. This approach underpins our Data Protection Policy and the Data Protection Policy in its entirety should be read in this light.

2 Relationship to characteristic spirit of the School

'At Scoil San Treasa, our mission is the provision of primary education of the highest quality for all our pupils in a happy, safe, Christian environment. While we value high academic achievement, the social, personal and moral development of our pupils is of primary importance and we view the school as a learning organisation which is open to change and innovation while it cherishes the best educational, cultural and religious traditions of our society'

In aspiring to these goals the school takes cognisance of the privacy and data protection rights of students, staff, parents/guardians and others who interact with the school, as outlined in the Data Protection Acts (1988 & 2003).

3 Legal Obligations

Implementation of this policy takes into account the school's other legal obligations and responsibilities also. Some of these are directly relevant to data protection. (See examples in Appendix A.)

4 Definition of Data Protection Terms

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant personnel: (See Appendix B.)

5 Content of this Policy

The content of this policy is divided into two sections as follows:

Section 6: Overview of Data Protection Rules

Section 7: Overview of personal data held

6 Overview of Data Protection Rules

6.1 Obtain and process information fairly

Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals, all such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.

For ease of administration in a working school, data subjects may refer to the Data Protection Policy on the school website and may seek further clarification from the school if necessary.

6.2 Keep it only for one or more specified, explicit and lawful purposes

The school will be mindful of this in the course of its work. Personal contact details for parents/guardians will be used in line with the official business of the school. This may involve liaison with relevant agencies, as per Department of Education and Skills guidelines and legislation that may be in place at the time. (Refer to Appendix A). It will also be used for the purposes of general communication and emergency contact by the school. The school may use subscription based services such as group text messaging services for general communications. Parents / guardians can opt out from receiving electronic communications at any point but should be mindful of the fact that this may mean that they will miss out on important information as, for reasons of efficiency and cost, SMS messages and emails have become the preferred method of communication for school and extra-curricular activities.

The school accepts no responsibility for the management of any data that has not been directly arranged and coordinated by the school authorities. It is for persons who may involve themselves with independently collated data to satisfy themselves that there is clarity around the purpose for which such data will be used

6.3 Use and disclose it only in ways compatible with these purposes

This includes but is not limited to procedures relating to Section 28 of the Education Act, 1988 (see Appendix A).

6.4 Keep Data safe and secure

Only those with a genuine reason for doing so are permitted to access to the information. Appropriate and reasonable security measures are in place to safeguard against unauthorised access to, or alteration, disclosure or destruction of the data and against their accidental loss or destruction.

Location and Security: Employees and relevant persons (e.g. BOM members) are required to observe due diligence with regard to maintenance of the confidentiality of any data which they may access. Sensitive manual records are stored securely, with restricted access. Due care is taken with those records which are actively being worked on. (Attention is also drawn to point 1.1 in Introduction, with regard to accessibility of sensitive information on a needs basis and our underlying approach to same.) All reasonable care will be taken with work in progress.

6.5 Keep Data accurate, complete and up-to-date

Students, parents/guardians, and/or staff are advised to inform the school in writing of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date.

6.6 Ensure that it is adequate, relevant and not excessive

The school is mindful of the importance of gathering and storing only the necessary amount of information required.

6.7 Retain it no longer than necessary for the specified purpose or purposes for which it was given

As a general rule, the information will be kept for the duration of the individual's time in the school. Some information will be kept on a more short-term basis, as needs determine. Thereafter, the school will comply with Department of Education and Skills (DES) guidelines and the requirements of the Revenue Commissioners. Retention times cannot be rigidly prescribed to cover every possible situation and the school will exercise its individual judgment in this regard in relation to each category of record held.

6.8 Give a copy of his/her personal data to any individual, on request

Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

- Individuals seeking to establish whether the school holds data/information about them should make this request in writing. Usual response time of 21 days will apply. Please note that school closings will not be reckonable for this purpose. A fee of €6.35 may apply.
- Individuals seeking copies of their personal data should make this request in writing. Usual response time of 40 days will apply. Please note that school closings will not be reckonable for this purpose. A fee of €6.35 may apply.

We respectfully ask that the scarce resources of the school are borne in mind with respect to any such requests – this will enable us to maintain our key focus on the teaching and learning of pupils within our care. Where a subsequent or similar request is made soon after a request has just been dealt with, the response to the second request is at the discretion of the school as data controller (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.

Note: with reference to such requests, it is in the best interests of all that any details which might be needed to help identify him/her and locate all the information the school may keep about him/her are given to the school.

Please note that the Data Protection Acts state that some data is **exempt** from a data access request.

7 Types of Data

7.1 Staff records (Personal & Sensitive)

- (a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, student teachers and teachers under probation.
- (b) **Purposes:** Staff records are kept for the purposes of the Management and administration of school business (now and in the future)

7.2 Student records (Personal & Sensitive)

- (a) **Categories of student data:** These **may** include but are not limited to:
- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school.
 - Data comprising academic information in respect of its students.
- (b) **Purposes:** To enable each student to develop to their full potential and to comply with legislative or administrative requirements. Academic records are kept in order to monitor a student's progress and to provide a sound basis for advising them and their parents about same. The data may also be aggregated for statistical/reporting purposes. The data may be transferred to the Department of Education and Skills, the National Council for Curriculum and Assessment and such other similar bodies in line with official procedures at the time. Data is also used to ensure that students meet the school's enrolment/admission criteria, and to facilitate efficient and fair allocation of places in liaison with local schools as may be necessary.

7.3 Board of Management records:

These records are such as to enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain the relevant records.

7.4 Other records

The school will hold other records relating to individuals. The formats in which these records will be kept are manual and/or electronic. Some examples of the type of other records which the school will hold are set out below (this list is not exhaustive):

- Creditors
- Charity tax-back forms
- CCTV images/recordings. (Access to CCTV recordings is restricted to the Principal, Deputy Principal, School Caretaker and Chairperson of the Board of Management. In limited circumstances, other persons may be authorised to view recordings on a case by case basis).

8 Links to other policies and to curriculum delivery

Over time, relevant school policies already in place or being developed or reviewed, shall be examined with reference to the data protection policy and any implications which it has

for them shall be addressed. This is a significant undertaking in the context of a working school and will take considerable time and resources.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- Enrolment Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- Social Personal Health Education
- Assessment Policy
- Special Educational Needs Policy
- Health, Safety and Welfare Policy

9 Implementation arrangements, Roles and Responsibilities

In Scoil San Treasa the Board of Management is the data controller and the principal and deputy principal (as per table below) will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities. The whole staff under the direction of the BOM will implement and monitor this policy. The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Board of Management:	Data Controller
All staff under the guidance and direction of the Principal and Deputy Principal	Implementation of Policy
Teaching, ancillary and support personnel:	Awareness of responsibilities and compliance with same
Administrative personnel:	Security, confidentiality
ICT personnel:	Security, encryption, confidentiality

10 Communication

The entire staff will be made aware and familiarise themselves with the Data Protection Policy and put it into practice in accordance with the specified implementation arrangements. All staff will be informed of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians at the time of enrolment application of pupils will be informed that the Data Protection Policy is on the school website.

11 Success Criteria

- Compliance with Data Protection Acts and Statute of Limitations Act.
- Controlled and manageable access to records.
- Framework in place to enable the compilation and reporting of data / records.
- Manageable storage of records.

12 Reviewing and evaluating the policy

This new policy is effective from 9th June 2015. All records held before that date will be dealt with in accordance with this policy in so far as it is possible bearing in mind the limited resources that we have at our disposal. The policy will be reviewed and evaluated at certain pre-determined times as necessary within the framework of school planning. On-going review and evaluation should take cognisance of changing information or guidelines (e.g. from the Data Protection Commissioner, Department of Education and Skills or the National Educational Welfare Board), legislation and feedback from parents/guardians, students, school staff and others. This Data Protection Policy has been ratified by the Board of Management on 8th June 2015.

Appendix A – Relevant Legislation

- Under Section 9(g) of the Education Act, 1998, the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education
- Under Section 20 of the Education (Welfare) Act, 2000, the school must maintain a register of all students attending the School
- Under section 20(5) of the Education (Welfare) Act, 2000, a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring
- Under Section 21 of the Education (Welfare) Act, 2000, the school must record the attendance or non-attendance of students registered at the school on each school day
- Under Section 28 of the Education (Welfare) Act, 2000, the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education and Skills, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training)
- Under Section 14 of the Education for Persons with Special Educational Needs Act, 2004, the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers ("SENOs")) such information as the Council may from time to time reasonably request
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be "personal data" as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- Under Section 26(4) of the Health Act, 1947 a school shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

Appendix B – Data Protection Terminology.

Data means information in a form that can be processed. It includes both *electronic data* (e.g. automated data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible. A common sense approach is taken to this.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

Sensitive Personal Data refers to *Personal Data* regarding a person's

- Racial or ethnic origin, political opinions or religious or philosophical beliefs
- Membership of a trade union
- Physical or mental health or condition or sexual life
- Commission or alleged commission of any offence or
- Any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the board of management of Scoil San Treasa.